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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
DAVID GARCIA,  
  
Defendant.

CASE NO. 1:22-CR-00308-ADA-BAM

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER

CURRENT DATE: September 13, 2023  
TIME: 1:00 p.m.  
COURT: Hon. Barbara A. McAuliffe

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and DAVID GARCIA,  
by and through defendant's counsel of record, Robert Lamanuzzi, hereby stipulate as follows:

1. By previous order, this matter was set for status on September 13, 2023.
2. By this stipulation, defendant now moves to vacate the status conference and set a change of plea hearing before the Honorable Ana de Alba on November 13, 2023 at 8:30 a.m., and to exclude time between September 13, 2023, and November 13, 2023 at 8:30 a.m., under 18 U.S.C. § 3161(h)(7)(A), B(iv).
3. Defense counsel desires additional time to finalize discussions with the defendant and to execute the plea agreement.
  - a) The government asserts the discovery in this matter has been provided to counsel.The government is aware of its ongoing discovery obligations.

b) The government provided a plea offer on June 8, 2023.

c) Counsel for the defendant desires additional time to consult with his client and execute the plea agreement.

d) Counsel for defendant believes that failure to grant the above-requested change of plea date would deny them the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

e) The government does not object to the date.

f) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of September 13, 2023 to November 13, 2023 at 8:30 a.m., inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4], because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

**[Remainder of page intentionally left blank.]**

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: September 6, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ KIMBERLY A. SANCHEZ  
KIMBERLY A. SANCHEZ  
Assistant United States Attorney

Dated: September 6, 2023

/s/ Robert Lamanuzzi  
Robert Lamanuzzi  
Counsel for Defendant

**ORDER**

IT IS SO ORDERED that the status conference set for September 13, 2023, is vacated. A change of plea hearing is set for **November 13, 2023, at 8:30 a.m. before District Judge Ana de Alba**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: September 6, 2023

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE